

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 2, between lines 14 and 15, to insert a comparison between the instant plant and the female parental cultivar; as well as a comparison between the instant plant and the male parental cultivar.

B. The specification has been amended at page 8, between lines 3 and 4, to provide detailed information with regard to the berries.

Requirement for Information Under 37 CFR 1.105

Applicant confirms in good faith that the instant plant was not sold or publicly available anywhere in the world more than one year prior to the U.S. filing date of July 3, 2003. Plants of 'Anthbneq' were first sold anywhere in the world in The Netherlands on September 9, 2002, less than one year prior to the U.S. filing date.

Filed herewith is Form PTO-1449 disclosing a copy of the official grant of the European Community Plant Breeder's Rights no. EU 11621 drawn to 'Anthbneq' granted August 22, 2003, a copy of the technical examination of May 15, 2003, a copy of the official gazette of December 15, 2001 wherein the proposed denomination was published, and a copy of the application of August 8, 2001.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 19, 2004

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